

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

IN RE K-DUR ANTITRUST LITIGATION

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) No. 01-cv-1652 (JAG)

) MDL Docket No. 1419

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THIS DOCUMENT RELATES TO:

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ALL ACTIONS

) [Proposed] ORDER

Upon the application of Plaintiffs for the entry of an Order, pursuant to Local Civil Rule 5.3(c), providing for filing under seal the Reply in Support of Direct Purchaser Plaintiffs' Objections to the February 6, 2009 Amended Report and Recommendation Regarding the Parties' Motions for Summary Judgment, and the Court having read and considered the papers submitted in support of this Motion, the Court hereby finds:

1. Through discovery in this case, the parties have produced confidential information, the public disclosure of which could affect legitimate business interests. To protect the confidentiality of this information, the parties entered into the First Revised Protective Order, which the court entered on March 14, 2003 (the "Protective Order").

2. The Protective Order allows the parties to designate information as "Confidential" (Order ¶ 4), and provides that a party wishing to use material designated "Confidential" in a submission filed with the Court must file the submission under seal (*id.* ¶ 12).

3. Plaintiffs have filed under seal, in accordance with the provisions of

Local Rule 5.3, a Memorandum in Support of the Motion to Seal the Reply in Support of Direct Purchaser Plaintiffs' Objections to the February 6, 2009 Amended Report and Recommendation Regarding the Parties' Motions for Summary Judgment.

4. Plaintiffs' Memorandum of Law contains and discusses information that has been designated "Confidential" in accordance with the Protective Order.

5. Plaintiffs have complied with the terms of the Protective Order by moving to file the Confidential Materials under seal pursuant to L. Civ. R. 5.3(c).

6. The information in the Confidential Materials satisfies the standards set forth in L. Civ. R. 5.3. The public release of these materials, which include confidential and proprietary information, would greatly harm the parties' interests. There is no less restrictive alternative to the filing of these materials under seal.

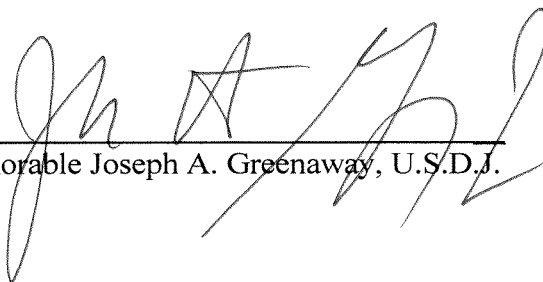
**THEREFORE**, it is this 30<sup>th</sup> day of June, 2009

**ORDERED** that the Motion to Seal Materials Pursuant to Local Rule 5.3 is hereby granted; and

**IT IS FURTHER ORDERED** that the Clerk is hereby directed to seal all Confidential Materials.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

  
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Honorable Joseph A. Greenaway, U.S.D.J.